

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE COMMISSION'S )	
INVESTIGATION INTO WHETHER )	
ERNEST P. TIMMONS OR E. A. TIMMONS )	PSC COMPLAINT DOCKET
MOBILE HOMES, INC. IS UNLAWFULLY )	NO. 15-0859
OPERATING AS A PUBLIC UTILITY )	
(OPENED MARCH 11, 2015) )	

**ORDER NO. 8812**

**AND NOW**, this 3<sup>rd</sup> day of November, 2015, the Delaware Public Service Commission ("Commission") determines and orders the following:

**WHEREAS**, on April 7, 2015, via Order No. 8723, the Commission opened this docket to investigate and determine answers to questions concerning whether Mr. Ernest P. Timmons ("Mr. Timmons") and E. A. Timmons Mobile Homes, Inc. ("E. A. Timmons") (collectively, "Timmons") were violating Delaware laws and regulations by operating an unlicensed public utility (water company) prior to obtaining a required Certificate of Public Convenience and Necessity; and

**WHEREAS**, on May 19, 2015, via Order No. 8740, based on the recommendations of the Commission Staff ("Staff") regarding the handling of this investigation and its timing, we appointed R. Campbell Hay as the hearing examiner for this matter to schedule and conduct, upon due notices, such evidentiary hearings and public comment sessions as may be necessary to have a full and complete record concerning the Commission's investigation in this docket. We also conditioned this appointment on the proviso that the hearing examiner take no action in this docket prior to June 5, 2015; and

**WHEREAS,** Staff reports in its memorandum to the Commission that all of the parties in this proceeding have been working cooperatively towards reaching a positive and practical resolution in this docket, a resolution that has included the involvement of other governmental agencies who may be able to assist in this matter; and

**WHEREAS,** all of the parties in this proceeding -- as well as other governmental agencies -- continue to work towards helping any customers who may currently be receiving water services from the Timmons; and

**WHEREAS,** Staff believes that this proceeding can be resolved without the need to conduct evidentiary hearings before a hearing examiner and that it would be more efficient and practical for this Commission to directly hear a proposed resolution of this proceeding rather than require a hearing examiner's report;

**NOW, THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE VOTE  
OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission shall hear and consider any proposed resolution in this docket or hold evidentiary hearings in this docket, as needed, and R. Campbell Hay is hereby relieved of the responsibility of acting as the hearing examiner for this proceeding.

2. Staff shall keep the Commission informed as to the progress of this docket as appropriate. Staff shall also make proposed recommendations for solutions as to any customers who may currently be receiving water services from the Timmons as well as any proposed penalties, if necessary or appropriate, against the Timmons.

3. The mandatory prehearing conference scheduled for November 17, 2015, is hereby cancelled.

4. The Timmons are hereby notified that they will be assessed the costs of this proceeding under 26 Del. C. §114(b) (1).

5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chair

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Commissioner

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Commissioner

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Commissioner

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Commissioner

**ATTEST:**

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Secretary